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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TRUONG, LINH T

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/019,955	Applicant(s) HELMFRIDSSON ET AL.	
	Examiner Linh Truong	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-13 is/are rejected.
- 7) ☒ Claim(s) 2-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 2 July 2004 have been fully considered but they are not persuasive. In regards to Applicant's argument that Cree et al. (U.S. patent 5,591,149) do not teach "... a material laminate wherein the percentage of bonded area in relation to the total area in the two side portions is greater than the percentage of bonded area in relation to the total area of the central portion," the Examiner respectfully disagrees. Although Cree et al. does teach (and the Applicant correctly argues this) that the total bonded area in one of the side portion is $6.25 \text{ mm}^2/\text{in}^2$ and the bonded area in the central portion is $72 \text{ mm}^2/\text{in}^2$, Cree et al. also teach that the diameter of the bonds can range between 0.5 mm and about 3 mm (col. 14, lines 41-42) and that the bonds can be spaced between about 5 mm (approximately 0.2 in) and 16 mm (approximately 0.63 in) apart (col. 14, lines 58-59). Therefore, the smaller bonds can have a bonded area of 0.25 mm^2 (0.5 mm X 0.5 mm) and be spaced 0.2 in apart and the larger bonds can have a bonded area of 1 mm^2 (1 mm X 1 mm) and be spaced .63 in apart. Thus, the density of the smaller bonds can be: $1 \text{ in} \div 0.2 \text{ in} = (5 \text{ bonds/in})^2 = 25 \text{ bonds/in}^2$ and the density of the bigger bonds can be: $1 \text{ in} \div 0.63 \text{ in} = (1.6 \text{ bonds/in})^2 = 2.56 \text{ bonds/in}^2$. Thus, the total bonded area in one side portion area is $25 \times .25 = 6.25 \text{ mm}^2/\text{in}^2$ and the total bonded area in the central area is $2.56 \times 1 = 2.56 \text{ mm}^2/\text{in}^2$. Therefore, the Examiner maintain the rejections below because Cree et al. does teach that, "a material laminate wherein the percentage of bonded area in relation

to the total area in the two side portions is greater than the percentage of bonded area in relation to the total area of the central portion.”

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7-10, and 12-13 rejected under 35 U.S.C. 102(b) as being anticipated by Cree et al. (Cree) '5,591,149.

For claims 1, 7-10, and 12-13, Cree teaches an absorbent sanitary napkin that comprises a fluid pervious topsheet 28 that can be comprised of thermoplastic material or fibrous material (fig. 15 and col. 6, lines 18-24) and hydrophobic nonwoven material (col. 7, lines 10-11, 66-67 and col. 8, lines 11-13), fluid pervious acquisition layer 34, an absorbent core 32 and a fluid impervious backsheet 30 (col. 28, line 47), wherein the topsheet 28 and acquisition layer 34 are mutually connected by bond sites via the method of fusion bonding (col. 13, lines 39-54). The sanitary napkin has a longitudinal central portion with a first bond pattern 44a, wherein the first bond pattern is 18 bonds per square inch, and two side portions with second bond pattern 44b, wherein the second bond pattern is 25 bonds per square inch (col. 14, lines 31-35 and 62-65). The percentage of bonded areas in the side portions is greater than the percentage of bonded area in the central portion (fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cree et al. (Cree) '5,591,149 in view of Lee et al. (Lee) '3,924,626.

For claim 6, Cree teaches bond sites but does not specifically teach spot bonds. Spot bonds are common in the art for fusing two layers of material together. Lee teaches a diaper with a cover sheet bonded by spot bonds 47 to its underlying pad (fig. 1, col.2, lines 59-66). Therefore it is obvious to one with ordinary skill in the art at the time the invention was made to provide the invention of Cree with spot bonds for an alternative bonding method for fusing two layers together as taught by Lee.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cree et al. (Cree) '5,591,149 in view of Sawaki et al. (Sawaki) '5,954,705.

For claim 11, Cree teaches a sanitary pad with side portions but does not teach the specific width of the side portions. It is common in the art to have side portions with a specific widths for different properties. Sawaki teaches a sanitary pad with a central portion 36 and side portions 38 that can have widths between 2 to 50 mm (fig. 1 and col. 3, lines 20-23). Therefore it is obvious to one with ordinary skill in the art at the time the invention was made to provide the invention of Cree with side portions that are at

least 4mm for a sanitary pad with side portions that are big enough to collect body fluids efficiently as taught by Sawaki et al.

Allowable Subject Matter

Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patents 5,681,300 and 6,103,953 are both drawn to an absorbent article with a first bonding pattern in the central portion and a second bonding pattern in the side portions.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh Truong whose telephone number is 703-605-4974. The examiner can normally be reached on 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Schwartz can be reached on 703-308-1412. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh Truong

*** L.T.



Larry I. Schwartz
Supervisory Patent Examiner
Group 3700